Mine Safety Bill New Requirements for Underground Mines

Mine Safety Bill SB 200 was passed by the 2006 General Assembly and created substantial changes to KRS 351 and KRS 352. The major provisions of this bill and the effective dates these provisions must be implemented are outlined below:

Effective July 12, 2006 – Mine Accident & Injury Reporting Requirements

1. **The mine superintendent, of if he is absent, the mine manager, or if he is absent, the mine foreman or his designee, must report within 15 minutes of having actual knowledge of the events listed below or within 15 minutes of having access to a communication system the following to the Office of Mine Safety and Licensing:**
    a. **A serious physical injury;**
    b. **Loss of life;**
    c. **Mine fire or explosion;**
    d. **Entrapment of an individual for more than 30 minutes,**
    e. **Inundation of the mine by water;**
    f. **Inundation of the mine by gases; or**
    g. **Other serious accident.**

2. **The Office of Mine Safety & Licensing (OMSL) will establish a toll-free 1-800 number for use by all mines in fulfilling the reporting requirements outlined above.**

3. **No person may alter the scene of a mining accident in a manner that will interfere with the Office of Mine Safety & Licensing's investigation of the accident, except to the extent necessary to rescue an individual or eliminate an imminent danger.**

4. **Failure to comply with these reporting requirements is considered a rebuttable presumption of an intentional order to violate mine safety laws that place miners in imminent danger of serious physical injury or death. The licensee can be subject to revocation, suspension or probation of the mine license and a civil penalty of not less than $10,000 nor more than $100,000.**

Effective July 12, 2006 – Self-Contained Self Rescuers

1. **All underground mines must maintain caches of SCSRs at locations that are readily accessible from both the primary and secondary escapeways.**
    a. **The number and location of caches of SCSRs shall be determined in accordance with MSHA's most recent rules, standards and regulations.**

b. In addition, the caches must be maintained in storage units that protect the SCRSs from water, dust, and any other conditions that would damage or degrade the SCRSs.

c. Storage Units must be marked with reflective signs that read "SELF-RESCUERS" that are easily visible from the primary and secondary escapeways. Each storage unit must also be equipped with an intrinsically safe strobe light. The strobe light may operate continuously or must be capable of being activated in the event of a mine emergency.

d. In addition to the requirements listed in 1(a), the mine operator must provide one additional SCSR that provides a minimum of one hour of protection for all persons in the mine.

e. If a mantrip or mobile equipment is used to enter or exit the mine, additional SCSRs providing a minimum of one hour of protection shall be available for all persons who use the transportation.

2. It is a Class D felony for any person to remove a SCSR from the cache for purposes other than use during an emergency, or for repair, maintenance or replacement, or as authorized by the licensee.

3. The mine foreman, assistant mine foreman, fire bosses or other certified persons must examine on a weekly basis each cache of SCSRs, including the contents of each cache.

4. **Recognizing that there is a backlog of orders for SCSRs, the new requirements also allow an operator to submit a valid purchase order to OMSL showing the name of the vendor from which the SCSRs have been ordered, contact information for the vendor, the number of SCSRs purchased and the data of the order. *All required SCSRs must be ordered within 30-days of July 12, 2006.* In all cases the SCSRs must be in-place by July 1, 2007, unless an extension has been granted by the Commissioner of the Department for Natural Resources, upon substantiated proof of the unavailability of the SCSRs.**

Effective July 12, 2006 – Emergency Escapeway Drills & Maps

1. A map showing the designated escapeways from the working section to the locations where the miners must travel to satisfy the escapeway drills must be posted or readily accessible to all miners in all working sections of the mine and in all areas underground where mechanized equipment is being installed or removed. This map must also be posted at the surface in a location where miners routinely congregate.

2. **The escapeway map must be kept up to date. If there are any changes in routes of travel, locations of doors, or direction of airflow these changes must be reflected on the map by the end of the shift in which the changes occurred. All miners affected by these changes shall be informed before going underground and miners working on a shift underground when the changes occur must be notified immediately of the changes.**

3. **Escapeway Drills**
    - ***a.*** **Once every 90 days each miner, including those with work stations between the working sections and the main escapeways must participate in an escapeway drill.**

    - ***b.*** **Miners that do not have working stations located between the working sections and the main escapeways must travel during the drill the greater distance of the following two choices:**
        - ***i.*** **a path from the primary or alternate escapeway from the miner's working section or from the area where mechanized mining equipment is being installed or removed, to the area where the split of air ventilating the working section intersects a main air course; or**
        - ***ii.*** **a path which is 2,000 feet outby the section loading point.**

    - **c. Miners having work stations located between the working sections and the main escapeways must travel in the primary or alternate escapeway during the drill 2000 feet from their work station toward the nearest escape facility or drift opening.**

    - ***d.*** **Once every six (6) weeks for each shift, a minimum of two (2) miners who work on each coal producing section, accompanied by the section foreman must practice an escapeway drill and travel the primary or alternate escapeways as follows:**
        - **i. from the miner's working section or from the area where mechanized mining equipment is being installed or removed, to the area where the split of air ventilating the working section intersects a main air course;**
        - **ii. to mechanical escape facilities; or**
        - **iii. to an underground entrance to a shaft or slope to the surface.**

    - **e. Once every six (6) weeks a minimum of two (2) miners who work on each maintenance shift and a foreman or assistant foreman, shall practice an escapeway drill and shall travel the primary and alternate escapeways as follows:**
        - **i. from the miner's working section or from the area where mechanized mining equipment is being installed or removed, to**

the area where the split of air ventilating the working section intersects a main air course;

ii. to mechanical escape facilities; or

iii. to an underground entrance to a shaft or slope to the surface.

f. Systematic rotation of section personnel shall be used so that all miners participate in these drills and so that all escapeways are traveled. An escapeway drill shall not be conducted in the same escapeway as the previous drill.

g. All miners shall be informed of the locations of fire doors, check curtains, changes in the routes of travel, caches of self-rescuers and plans for diverting smoke from the escapeways before or during each escapeway drill.

h. Return air courses cannot be designated as primary escapeways.

i. An operator must install lifeline cords in all escapeways. In addition to the reflective material attached at intervals of 25-feet or less, devices indicating the direction to the surface must be attached at intervals of 100-feet or less. Lifeline cords must extend from outby the loading point to the surface, and in the case of a shaft mine lifeline cords shall extend from outby the loading point to the bottom of the designated escape shaft.

Effective September 1, 2006-Two-Way Communications Requirements

1. Each licensed underground mine must have telephone service or equivalent two-way communication between the surface and each landing of main shafts and slopes, and between the surface and each working section that is more than 100 feet from a portal.

a. Telephones or equivalent two-way communication at each working section cannot be located more than 500 feet outby the last open crosscut and not more than 800 feet from the farthest point of penetration of the working faces on the sections;

b. The primary telephone or two-way communications systems and lines must be located in the intake air course or adjacent entry.

c. In coal seam heights of 26 inches or less, the primary telephone or two-way communication systems may be located in the beltway or return air courses if approved in writing by the Executive Director of the Office of Mine Safety & Licensing.

d. **The incoming communication signal on the telephone or other two-way communication system must have both an audible and visual alarm. The audible alarm must be distinguishable from the surrounding noise levels and the visual alarm must be capable of being seen by miners regularly employed on the working section.**

2. **Each licensed underground mine must have a telephone or equivalent two-way communication system located on the surface within 1000 feet of all main portals. This system must be connected to the underground communications system and be installed in a building or in a box-like structure designed to protect the system from damage and inclement weather.**
    a. **At least one of these systems must be located such that a responsible person is available and authorized at all times when miners are working underground to respond to an emergency.**

    b. **The incoming communication signal on the telephone or other two-way communication system must have both an audible and visual alarm. The audible alarm must be distinguishable from the surrounding noise level and the visual alarm must be able to be seen by the responsible person stationed near the communications system.**

3. **Each licensed underground mine must have a telephone or equivalent two-way communication system located on the surface which can be used to activate the mine's emergency action plan or to report a serious physical injury or mine accident.**

    a. **This communication system must be installed in a building or a box-like structure designed to protect it from damage and inclement weather.**

    b. **At least one of these systems must be located such that a responsible person is available and authorized at all times when miners are working underground to respond to an emergency.**

    c. **The incoming communication signal on the telephone or other two-way communication system must have both an audible and visual alarm. The audible alarm must be distinguishable from the surrounding noise level and the visual alarm must be able to be seen by the responsible person stationed near the communications system**

Effective January 1, 2007 – Emergency Action Plans

1. **Emergency Action plans must be submitted with each application for a mine license to operate an underground coal mine. The plan must include the following:**
    a. **For new mines, a certification by the applicant that a telephone or equivalent two-way communication system will be installed and functioning when the operation begins.**
    b. **A listing of telephone numbers of facility personnel, state and federal regulatory agencies, state, federal, and local emergency response agencies to be contacted in the event of a mine emergency.**
    c. **A list of the positions and telephone numbers of facility personnel designated by the licensee to implement the emergency action plan;**
    d. **The name of the ambulance service or first responder that the licensee has made arrangements with to provide emergency medical assistance of any person injured at the licensed facility;**
    e. **A copy of the licensed facility's mine emergency evacuation and fire-fighting plan;**
    f. **A training schedule for all personnel as to their responsibilities under the emergency action plan.**

2. **Each licensed underground mine must keep a training log on-site containing training dates, names and positions of employees trained, and the shifts on which they work.**

3. **A revised copy of the emergency action plan must be submitted to the OMSL District Office and the Frankfort OMSL office within 10 days of a change in any of the information listed in item 1 above.**

4. **A copy of the current emergency action plan must be kept on the premises of the licensed deep mine and shall be open to inspection by the mine's employees, independent contractors and OMSL's inspectors.**

5. **Each licensed underground mine shall post in a prominent place at the mine office a copy of all emergency contact numbers. This list shall be made available for inspection by the mine's employees and independent contractors during training on the emergency action plan.**

6. **Each licensed underground mine shall train all employees, independent contractors at the beginning of their employment at the mine and annually thereafter on the emergency action plan and the persons responsible for plan implementation.**

1. **All licensed underground mines must develop a mine emergency evacuation and fire-fighting program that instructs all miners and other personnel in the proper evacuation procedures which must be followed in the event of a mine emergency. This program and any revisions must be submitted to the Executive Director of OMSL or his designee.**

    a. **All personnel of the mine as well as independent contractors must be trained on any revision to the plan prior to implementation of these revisions.**

    b. **The plan must include a training program for all miners on all shifts in the procedures for:**
        i. **Mine emergency evacuation procedures for mine emergencies that present an imminent danger to miners due to fire, explosion or inundation of the mine by gas or water;**
        ii. **Rapid assembly and transportation procedures of necessary miners, fire suppression equipment, and rescue apparatus to the scene of the mine emergency, and**
        iii. **Proper use and operation of fire suppression equipment available at the mine.**

2. **The mine emergency evacuation and fire fighting program must be incorporated into the mine's emergency action plan and submitted to the Office of Mine Safety & Licensing with the annual application for a mine license.**

Effective July 12, 2006 – Other New Requirements

1. **No licensee, operator, mine superintendent, mine manager or other supervisory personnel shall terminate or otherwise discipline a miner for reporting or documenting to or cooperating with regulatory agencies in their investigation of unsafe mining practices or conditions or violations of provisions of KRS Chapter 351 or 352.**

2. **Serious Physical Injury is now defined as "an injury, which has a reasonable potential to cause death."**

3. **A new definition of Mine Manager has been created. Mine Manager "means a certified or noncertified person whom the licensee places in charge of a mine or mines and whose duties include but are not limited to operations at the mine or mines and supervision of personnel when qualified to do so."**

4. **The Commissioner of the Department for Natural Resources has the authority to assess civil penalties for violation of roof control plans and mine ventilation plans that could lead to imminent danger or serious physical injury of miners. The civil penalty assessed per violation cannot exceed $5,000. The Department for Natural Resources must develop regulations governing the method and manner of the assessment of civil penalties within 90 days of July 12, 2006.**

5. **All licensed underground mines will receive three (3) regular inspections annually. Licensed surface mines will still receive two (2) regular inspections annually.**

6. **All applications for mine licenses for underground mines must include a copy of the ventilation plan and any revision to the plan approved by MSHA. Copies of the mine ventilation plan and any revisions to the plan must be available to all miners and their representatives.**